
Introduced by Senator Poochigian

February 22, 2005

An act to amend Section 641.6 of the Penal Code, relating to assault.

LEGISLATIVE COUNSEL'S DIGEST

SB 971, as introduced, Poochigian. Assault: school employees.

Existing law provides that the offense of assaulting a school employee, as defined, is punishable by imprisonment in a county jail not exceeding one year, or by a fine not exceeding \$2,000, or by both the fine and imprisonment.

This bill would provide that the offense is also punishable as a felony.

By changing the definition of an existing crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 241.6 of the Penal Code is amended to
2 read:
3 241.6. When an assault is committed against a school
4 employee engaged in the performance of his or her duties, or in

1 retaliation for an act performed in the course of his or her duties,
2 whether on or off campus, during the schoolday or at any other
3 time, and the person committing the offense knows or reasonably
4 should know the victim is a school employee, the assault is
5 punishable by imprisonment in a county jail not exceeding one
6 year, *or in the state prison*, or by a fine not exceeding two
7 thousand dollars (\$2,000), or by both the fine and imprisonment.

8 For purposes of this section, “school employee” has the same
9 meaning as defined in subdivision (d) of Section 245.5.

10 This section shall not apply to conduct arising during the
11 course of an otherwise lawful labor dispute.

12 SEC. 2. No reimbursement is required by this act pursuant to
13 Section 6 of Article XIII B of the California Constitution because
14 the only costs that may be incurred by a local agency or school
15 district will be incurred because this act creates a new crime or
16 infraction, eliminates a crime or infraction, or changes the
17 penalty for a crime or infraction, within the meaning of Section
18 17556 of the Government Code, or changes the definition of a
19 crime within the meaning of Section 6 of Article XIII B of the
20 California Constitution.